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JONATHAN BROWNING, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JONATHAN BROWNING, INC., a California
corporation,

Plaintiff,

v.

VENETIAN CASINO RESORT, LLC., a Nevada
limited liability company; LAS VEGAS SANDS,
LLC., a Nevada limited liability company; LAS
VEGAS SANDS CORP., a Nevada corporation;
and DOES 1 through 100, inclusive,

Defendants.

No. C 07-3983 JSW

**PLAINTIFF'S OBJECTIONS TO
THE DECLARATION OF
MICHELLE A. HON SUBMITTED
IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS**

Date: November 9, 2007
Time: 9:00 a.m.
Place: Courtroom 2, 17th Floor
Judge: Honorable Jeffrey S. White

1 Plaintiff Jonathan Browning, Inc. objects to the Declaration of Michelle A. Hon
 2 submitted in support of Defendants' Motion to Dismiss on the grounds that the Declaration sets
 3 forth facts that are irrelevant. Fed. R. Evid. 402. Defendants present Ms. Hon's declaration in
 4 support of their assertion that the Court lacks subject matter jurisdiction over Plaintiff's
 5 copyright infringement claim because Plaintiff does not have a registered copyright in the scone
 6 designs at issue. However, for the reasons stated in Plaintiff's Memorandum of Points and
 7 Authorities in Support of its Opposition to Defendants' Motion to Dismiss, Plaintiff does not
 8 need a registered copyright to bring suit. *See* 17 U.S.C. § 411(a). Accordingly, Ms. Hon's
 9 declaration is irrelevant to the question of subject matter jurisdiction under the Copyright Act.

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 11 DATED: October 3, 2007

12 BINGHAM MCCUTCHEN LLP

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 15 By: /s/ Thomas S. Hixson
 16 Thomas S. Hixson
 17 Attorneys for Plaintiff
 JONATHAN BROWNING, INC.

18 DATED: October 3, 2007

19 DOLL AMIR & ELEY LLP

20
 21
 22 By: /s/ Gregory L. Doll
 23 Gregory L. Doll
 24 Attorneys for Plaintiff
 JONATHAN BROWNING, INC.